

## APPENDIX A

### PENDING CLAIMS 1, 3-8, AND 15-21 (CLEAN VERSION)

1. (Amended) A plant promoter, comprising (1) a minimal promoter comprising a TATA box and initiation site, (2) transcription-activating elements from a first promoter, and (3) transcription-activating elements from a second promoter, wherein said first and second promoters are different, wherein said transcription-activating elements from the first promoter and said transcription-activating elements from the second promoter have complementary expression patterns in a plant, and wherein the expression pattern of the first promoter and the expression pattern of the second promoter are at least 1% in all plant parts in which the first and second promoters overlap.

3. (Twice Amended) The plant promoter according to claim 1, wherein the first promoter is specifically expressed in green parts of a plant, and the second promoter is specifically expressed in underground parts of the plant.

4. (Amended) The plant promoter according to claim 3, wherein the first promoter is a ferredoxin promoter [the ferredoxine] and the second promoter is a RoID promoter.

5. (Amended) The plant promoter according to claim 4, wherein the minimal promoter is a ferredoxin minimal promoter.

6. (Twice Amended) The plant promoter according to claim 4 or 5, wherein the ferredoxin promoter is an *Arabidopsis thaliana* ferredoxin promoter.

7. (Amended) The plant promoter according to claim 6, comprising SEQ ID NO:1 and SEQ ID NO:2.

8. (Amended) The plant promoter according to claim 6, comprising SEQ ID NO:3.

15. (Twice Amended) A chimaeric gene construct comprising the plant promoter of claim 1.

16. (New) The plant promoter according to claim 1, wherein the minimal promoter is from the same promoter as the first promoter.

17. (New) The plant promoter according to claim 1, wherein the minimal promoter is from the same promoter as the second promoter.

18. (New) The plant promoter according to claim 1, wherein the minimal promoter is from a third promoter, wherein the third promoter is different than the first and second promoters.

19. (New) The plant promoter according to claim 4, wherein the minimal promoter is a RolD minimal promoter.

20. (New) The plant promoter according to claims 4 or 19, wherein the RolD promoter is a *Agrobacterium rhizogenes* RolD promoter.

21. (New) The plant promoter according to claim 1, wherein the expression pattern of the first promoter and the expression pattern of the second promoter are at least 5% in all plant parts in which the first and second promoters overlap.